

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

TION OF ATTORNEY

SHORT-ROOT GENE, PROMOTER, AND USES THEREOF

and for which a patent application. is attached hereto and includes amendment(s) filed on of applicables

was filed in the United States on May 24, 2000 as Application No. 09/578,827 (for declaration not accompanying application)

with amendment(s) filed on (spaningble)

was filed as PCT international Application No. on and was amended under PCT Article 19 on of applicables

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION						
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED			
			YES D NO D			
			YES D NO D			

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, Tacknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

		STATUS			
APPLICATION SERIAL NO.	FILING DATE	PATENTED	PENDING	ABANDONED	

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them. my attorneys. to prosecute this application, and to transact all business in the Patent and 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

(1)

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

SEND	CORRESPONDENCE	PENNIE & EDMONDS III 1155 Avenue of the America New York, N.Y. 10036-2711		DIRECT TE PENNIE & 1 (212) 790-21	LEPHONE CALLS TO EDMONDS up DOCK 803): ETING
	FULL NAME OF INVENTOR	LAST NAME Benfey	first name Philip		MIDDLE NAME N.	
2 0 1	RESIDENCE & CITIZENSHIP	cry New York	STATTION POREIGN COUNTRY New York	1		
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	CITY New York		STATEOR COUNTRY New York	zip çоріі 10012
2 0 2	FULL NAME OF INVENTOR	IASTNAME Helariutta	ғікет мами Үлјо		MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Helsinki	STATE OR FOREIGN COUNTRY Finland		COUNTRY OF CHIZZURGEP Finland	
	POST OFFICE ADDRESS	STRIUM Oskelantie 8 A 5	cmy Helsinki		STATE OR COUNTRY Finland	zip codii FIN-00320
	FULL NAME OF INVENTOR	LASTNAME Fukaki	FIRST NAMI) Hidehiro		MIDDLENAME	
2 0 3	RESIDENCE & CITIZENSHIP	crev Nara	STATE OR FORLIGN COUNTRY Japan		COUNTRY OF CRIZZONSHIP Japan	
	POST OFFICE ADDRESS	STREET Syouyoudai 4-26-12-201	спу Мага		STATE OR COUNTRY Jupan	20 CODE 631-0007
	FULL NAME OF INVENTOR	LAST NAMO Nakajittia	first name Keiji		MIDDLE NAME	
2 0 4	RESIDENCE & CITIZENSHIP	crry New York	STATE OR POREIGN COUNTRY NEW YORK		соципку от спаденана Јарап	
-	POST OFFICE ADDRESS	streest 14 Wahsington Place, Apt. 7K	crry New York		RETATE OR COUNTRY New York	20/ CODE 10003
	FULL NAME OF INVENTOR	LAST NAMIL	PIRST NAME		MIDDLE NAME	
2 0 5	RESIDENCE & CITIZENSHIP	CHY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITOSINGIE	
	POST OFFICE ADDRESS	Street	спу		STATE OR COUNTRY	ZIF CODE
	FULL NAME OF INVENTOR	LAST NAMII	PIRST NAME		MIDDLE NAME	
0 6	RESIDENCE & CITIZENSHIP	спу	STATE OR FORLIGH COUNTRY		COUNTRY OF CITEMINSHIP	
	POST OFFICE ADDRESS	STREET	спу		STATE OR COUNTRY	∠ii- CODR

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 PHILLIP N. BENFEY	SIGNATURI OF INVIDATOR 202 YRJO HELARIUTTA	SICINATURE OF INVENTOR 209 HIDEHIRO FUKAKI
DATE 12/14/2000	DATU	DATI
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
KEUI NAKAJIMA	<u> </u>	
DATE	DATR	DATE

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PENNIE & EDMONDS LL DOCKET NO. 5914-078-999

SEND	CORRESPONDENCE	PENNIE & EDMONDS III 1155 Avenue of the America New York, N.Y. 10036-2711	s l	DIRECT TELEPHONE CALLS TO PENNIE & EDMONDS LL DOCK 212) 790-2803): ETING
	FULL NAME OF INVENTOR	LAST NAME Benifey	FIRST NAME Philip	MIDDLE NAMB N.	
2 0	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR POREIGN COUNTRY New York	COUNTRY OF CITIZENSMIP U.S.A.	
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	crry New York	STATEOR COUNTRY New York	10012
	FULL NAME OF INVENTOR	:ASTHAME Helariutta	ғіябт мамін Үлјо	MIDDLE NAME	
0 2	RESIDENCE &	crry Helsinki	STATE OR POREIGN COUNTRY Finland	COUNTRY OF CHIZONSHIP Finland	
2	POST OFFICE ADDRESS	STRUCT Oskelantie 8 A 5	cmy Helsinki	STATE OR COUNTRY Finland	zipcodu FIN-00320
	FULL NAME OF INVENTOR	LAST NAME Fukaki	first namb Hidehito	MIDDLENAME	
2 0 3	RESIDENCE & CITIZENSHIP	city Nata	STATEOR FORUIGN COUNTRY Japan	Japan Japan	
	POST OFFICE ADDRESS	STREET Syouyoudai 4-26-12-201	спу Nara	STATE OR COUNTRY Jupan	631-0007
	FULL NAME OF INVENTOR	LAST NAME Nakajima	pirst name Keiji	MIDDLE NAME	
2 0 4	RESIDENCE & CITIZENSHIP	crry New York	STATE OR PORPECH COUNTRY NEW YORK	COUNTRY OF CITIZENSHIP Japan	
7	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	cmy New York	STATE OR COUNTRY New York	20/ CODE. 10003
	FULL NAME	LAST NAMI:	FIRST NAME	MIDDLE NAME	
2	OF INVENTOR RESIDENCE &	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CULTINGE	
5	POST OFFICE	STARRY	СПТУ	STATE OR COUNTRY	ZIP CODE
	ADDRESS FULL NAME OF INVENTOR	LAST NAMII	DESCHAME	MIDDLE NAME	
2 0 6	RESIDENCE & CITIZENSHIP	спу	STATE OR PORTEGN COUNTRY	COUNTRY OF CITETINSHIP	
	POST OFFICE ADDRESS	STREET	СПУ	STATE OR COUNTRY	Nit CODE

Thereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURII QU INVIDIVIOR 202	IO HELARIUTTA HIDEHIRO FUKAKI
PHILIP N. BENFEY	YR	JO HELARIUTTA HIDEHIRO FUKAKI
DATE	DATE	11/10/00
SIGNATURE OF INVENTOR 204	SIGNATY/RIF OF INVENTOR 205	SIGNATURE OF INVENTOR 206
KEUI NAKAJIMA		
DATR	DATR	DATE

CIBEEL

POST OFFICE **ADDRESS**

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

STATE OR COUNTRY

DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LIT SEND CORRESPONDENCE TO: PENNIE & EDMONDS L. DOCKETING 1155 Avenue of the Americas (212) 790-2803 New York, N.Y. 10036-2711 MIDDLE NAME PIRST NAME LAST NAME **FULL NAME** Philip Benfey OF INVENTOR COUNTRY OF CITIZENSHIP STATE OR POREIGN COUNTRY 2 RESIDENCE & U.S.A. 0 New York New York CITIZENSHIP Z:P CODII STATE OR COUNTRY CITY POST OFFICE 10012 New York New York 3 Washington Square Village, Apt. 6A ADDRESS MIDDLE NAME FIRST NAME :ASTNAME FULL NAME Yrio Helariutta OF INVENTOR COUNTRY OF CITIZINGHIP STATE OR POREIGN COUNTRY 0 RESIDENCE & Finland Finland Helsinki CITIZENSHIP STATE OR COUNTRY ZIP CODII CITY 5.7J9:T FIN-00320 POST OFFICE Finland Helsinki Oskelantie 8 A 5 **ADDRESS** MIDDLE NAME FIRST NAME LAST NAME **FULL NAME** Hidehiro **Fukaki** OF INVENTOR COUNTRY OF CITIZENSHIP STATE OR FORLIGN COUNTRY 2 CITY RESIDENCE & 0 Japan Japan Nara CITIZENSHIP STATE OR COUNTRY ZIP CODE STREET 631-0007 POST OFFICE Japan Nara Syouyoudai 4-26-12-201 ADDRES\$ MIDDLE NAME PIRST NAME LAST NAMB **FULL NAME** Keiii Nakajima OF INVENTOR COUNTRY OF CITIZENSHIP STATE OR PORRIGN COUNTRY CITY à RESIDENCE & Japan New York New York 4 CITIZENSHIP ZUPCODE STATE OR COUNTRY CITY 10003 POST OFFICE New York New York 14 Wahsington Place, Apt. 7K ADDRESS MIDDLE NAME PIRST NAME LAST NAME **FULL NAME** OF INVENTOR COUNTRY OF CITIZENSIES STATE OR FOREIGN COUNTRY RESIDENCE & CITIZENSHIP ZIP CODE STATE OR COUNTRY CITY STAIRT **POST OFFICE ADDRESS** MIDDLE NAME MRST NAME LAST NAME **FULL NAME** OF INVENTOR COUNTRY OF CITESTASHED STATE OR PORLEGN COUNTRY CITY 0 RESIDENCE & CITIZENSHIP 6 AIL CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURIS OF INVIDETOR 202	SICINATURE OF INVENTOR 209
PHILIP N. BENFEY	MY WIN HELARIUTTA	HIDEHIRO FUKAKI
DATE	NOVERBER 10 , 2001	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
KEUI NAKAJIMA		DATE
DATR	DATR	DATE

PENNIE & EDMONDS LL DOCKET NO. 5914-078-999

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SENI	O CORRESPONDENCE	PENNIE & EDMONDS ur 1155 Avenue of the America New York, N.Y. 10036-2711	s	DIRECT TELEPHONE CALLS T PENNIE & EDMONDS 112 DOCK (212) 790-2803	O: ŒTING
	FULL NAME OF INVENTOR	Benfey	Philip	MIDDLE NAME N.	
2 0	RESIDENCE & CITIZENSHIP	crry New York	STATEOR POREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
,	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	crry New York	STATE OR COUNTRY New York	219 CODII 10012
	FULL NAME OF INVENTOR	: AST NAME Helariutta	FIRST NAME Ynjo	MIDDLENAME	
2 0 2	RESIDENCE & CITIZENSHIP	cny Helsinki	STATE OR POREIGN COUNTRY Finland	COUNTRY OF CHIMPINGER Finland	
	POST OFFICE ADDRESS	STATEST OSKELANTIE 8 A 5	cmy Helsinki	STATE OR COUNTRY Finland	ZIP CODII FIN-00320
	FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAME Hidehiro	MIDDLENAME	
2 0 3	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FOREIGN COUNTRY Japan	Japan Japan	
٠	POST OFFICE ADDRESS	STREET Syouyoudai 4-26-12-201	črry Nara	state or country Jupan	жи соря 631-0007
	FULL NAME OF INVENTOR	LAST NAMB Nakajima	pirst name Keiji	MIDDLE NAME	
0 4	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY NEW YORK	Japan Japan	
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	crry New York	STATE OR COUNTRY New York	217 CODE 10003
	FULL NAME OF INVENTOR	LAST NAMI:	PIRST NAME	MIDDLE NAME	
2 0 5	RESIDENCE & CITIZENSHIP	CRY	STATE OR FOREIGN COUNTRY	COUNTRY OF CLUSTINS ID	
	POST OFFICE ADDRESS	SIKUKT	CITY	STATE OR COUNTRY	ZIP CODE
	FULL NAME OF INVENTOR	LAST NAMII	PRSTNAME	MIDDLENAME	
0 6	RESIDENCE & CITIZENSHIP	спү	STATE OR POREIGN COUNTRY	COLNTRY OF CITEBRISHED	
	POST OFFICE	STREET	спу	STATE OR COUNTRY	MF CODE

Thereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVANTOR 202	SICINATURE OF INVENTOR 209
PHILIP N. BENFEY	YRJO HELARJUTTA	HIDEHIRO FUKAKI
DATE	DATU	DATIC
SIGNATURE OF INVENTOR 204	SIGNATITURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
Keij Natajim- Keli Nakajima		·
DATE 11/8/00	DATE	DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

■ Application of: BENJ

□ Patent of:

■ Application No.: 09/578-32

□ Patent No.:

□ Issued:

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: SHORT-ROOT GENE, PROMOTER, AND USES Attorney Docket No.: 5914-078-999 THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Na	me of organization NEW YORK UNIVERSITY
A	Idress of organization 70 Washington Square South
	lew York, New York 10012
Ty	pe of organization
	University or other institution of higher education
	Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
	Nonprofit scientific or educational under statute of state of the United States of America
	(Name of state
	(Citation of statute
	Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and
	501(c)(3)) if located in the United States of America.
	Would qualify as nonprofit scientific or educational under statute of state of the United
	States of America if located in the United States of America
	(Name of state
	(Citation of statute

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled SHROT-ROOT GENE, PROMOTER, AND USES THEREOF by inventor(s) Philip N. Benfey, Yrjo Helariutta, Hidehiro Fukaki, Keiji Nakajima described in

		he s	specii	icati	on	filed	herew	it	ľ
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application no. 09/578,827 filed May 24, 2000

□ patent no.

issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified abov and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

O | P | 15 2000 11

If the rights held by the nonprofit organization are exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Philip N. Benfey	
ADDRESS 3 Washington Square Village, Apt. 6A	
New York, NY 10012	
NDIVIDUAL □ SMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION
	•
FULL NAME Yrjo Helariutta	
ADDRESS Oskelantie 8 A 5	
Helinski Finland, FIN-00320	
■ INDIVIDUAL □ SMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION
FULL NAME Hidehiro Fukaki	
ADDRESS Syouyoudai 4-26-12-201	
Nara JAPAN 631-0007	
MINDIVIDUAL O SMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION
FULL NAME Keiji Nakajima	
ADDRESS 14 Washington Place, Apt. 7K	
New York, NY 10003	
® INDIVIDUAL DISMALL BUSINESS CONCERN	□ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

PENNIE & EDMONDS LLP 1667 K Street, N.W. Washington, D.C. 20006 Direct Telephone calls to: PENNIE & EDMONDS LLP (202) 496-4400

Name of person signing		
Title of person other than owner		
Address of person signing New York L 550 First Avenue	Iniversity Medical Center	
New York, NY 10016		_
Signature	Date	

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

JOINT

ASSIGNMENT

WHEREAS, WE, Philip BENFEY, Yrjo HELARIUTTA, Hidehiro FUKAKI, Keiji NAKAJIMA, ASSIGNORS, citizens of the United States, Finland, Japan and Japan, respectively, residing at 3 Washington Square Village, Apt. 6A, New York, NY 10012; Oskelantie 8 A 5, Helsinki, Finland, FIN-00320 and 14 Washington Place, Apt. 7K, are the inventors of the invention in SHORT-ROOT GENE, PROMOTER, AND USES THEREOF for which we have executed an application for a Patent of the United States

for a Patent of the Office States				
□ which is executed on □ even date herewith or □				
which is identified by Pennie & Edmonds up docket no. 5914-078-999 which was filed on May 24, 2000, Application No. 09/578,827				
and WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Square South, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.				
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;				
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.				
AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.				
AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.				
IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective				
Signatures. Date . 2000 L.S. Diff				
Date , 2000 L.S. Philip Benfey				
State of)				
SS.: County of				
In the State of New York, county of Blook, on Dec. 14, before me, Cesar A. Grollen Notary Public, personally appeared Philip Benfey, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.				

CESAR A. GRULLON
NOTARY PUBLIC, State of New York
No. 01GR6012008
Qualified in Bronx County
Commission Expires Aug 17, 2006

DCI - 267623 I

JOINT

ASSIGNMENT

WHEREAS, WE, Philip BENFEY, Yrjo HELARIUTTA, Hidehiro FUKAKI, Keiji NAKAJIMA, ASSIGNORS citizens of the United States, Finland, Japan and Japan, respectively, residing at 3 Washington Square Village, Apt. 6A, New York, NY 10012; Oskelantie 8 A 5, Helsinki, Finland, FIN-00320 and 14 Washington Place, Apt. 7K, are the inventors of the invention in SHORT-ROOT GENE, PROMOTER, AND USES THEREOF for which we have executed an application of the United States
--

a Patent of the United States
which is executed on
which is identified by Pennie & Edmonds up docket no. 5914-078-999 which was filed on May 24, 2000, Application No. 09/578,827
d WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Square with, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under a said invention and the said application.
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and luable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, insferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its excessors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said states application and all divisions, renewals and continuations thereof, and all Patents of the United States which may granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, granted thereon and all reissues and extensions thereof; and all applications for industrial property protection in thout limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in the y country or countries foreign to the United States, together with the right to file such applications and the right to claim for a same the priority rights derived from said United States application under the Patent Laws of the United States, the ternational Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, cluding, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention any country or countries foreign to the United States and all extensions, renewals and reissues thereof;
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and y Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal presentatives and assigns, in accordance with the terms of this instrument.
AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that the have not executed, and will not execute, any agreement in conflict herewith.
AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors gal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all wful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally deverything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper otection for said invention in all countries.
IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective gnatures.
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WITNESS my hand and official seal
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1	hand and official scal	MAUREEN VALENTI Notary Public, State of New Y No. 01VA5044085 Qualified in Kings County Commission From Muly 15, 15	

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